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25 April 1956

**MEMORANDUM FOR RECORD**

**SUBJECT: Building - Transfer of Property**

1. There has been considerable discussion re the method by which the Langley property might be transferred to us from the Bureau of Public Roads and the National Park Service, respectively. The purpose of this memorandum is to record the reason why GSA should be a party to the transfer.

2. 40 USCA 483(c) provides:

"Each executive agency shall, as far as practicable, (1) make reassignments of property among activities within the agency when such property is determined to be no longer required for the purposes of the appropriation from which it was purchased, (2) transfer excess property under its control to other Federal agencies and to organizations specified in section 630g(f) of Title 5, and (3) obtain excess property from other Federal agencies."

3. In 1921, the Attorney General ruled (32 Op. Atty. Gen. 551):

"There is no legal objection to the mere transfer from one bureau or department of the government to another department of real or personal property no longer needed for the purposes for which it was appropriated; such a transfer is not a sale and is not open to the objection that public property cannot be disposed of without the authority of Congress."

4. There is little question, then, that we could accept the transfer of the property without the intervention of GSA. In such a case, however, we would have to reimburse the losing agency for the fair value of the property. 40 USC 483(c), as that section was amended by PL 522 - 82nd Congress (12 July 1952), provides:

"The Administrator, with the approval of the Director of the Bureau of the Budget, shall prescribe the extent of reimbursement for such transfer of excess property."

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The Senate Report on PL 522 (1952 U.S. Code Cong. 2121, at 2123) states:

"The revision of section 202(a) of the act proposed by subsection (f) of the bill would promote greater utilization of excess property by permitting the Administrator of General Services to determine, with the approval of the Director of the Bureau of the Budget, the extent to which reimbursement for such excess property will be required from executive agencies, when transferred from one Federal agency to another.

"This amendment of section 202(a) will remove the need for requesting specific legislation, in order that excess real property may be transferred from GSA to another agency without reimbursement."

5. In summary, then, we could effect a transfer without GSA participation, but the Administrator's intervention is necessary for a cost-free transfer.

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